

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13866, of Larry D. Quillian, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in an R-4 District at the premises 318-324 6th Street, S.E., (Square 874, Lots 808, 34 and 35).

HEARING DATE: November 17, 1982

DECISION DATE: December 1, 1982

FINDINGS OF FACT:

1. The subject property is located on the east side of 6th Street, S.E., between Pennsylvania Avenue and D Street, at premises known as 318-324 6th Street, S.E. It is in an R-4 District.

2. The property is currently used as a parking facility, pursuant to this Board's Order No. 13378 dated February 17, 1981. The site has been used for parking since 1958.

3. The applicant proposes the continuation of this lot for accessory parking for office suites located at 603-605 Pennsylvania Avenue, S.E.

4. Adjacent to the north and east of this site are the rear yards of commercial establishments fronting on Pennsylvania Avenue. There are a number of restaurants and carry-outs, dry cleaning establishments and a variety of other retail and service establishments in the 600 block. South of this parking lot fronting on 6th Street are row dwellings. Row dwellings are also located on the west side of 6th Street at this location as well as along D Street between 6th and 7th Streets. Pennsylvania Avenue forms the principal commercial district for this area. It is zoned C-2-A between 2nd Street and the Anacostia River except for the public parks and squares along its length. The bulk of land in the area is zoned R-4. The majority of residential structures are row dwellings although there are apartment buildings scattered throughout the area.

5. The subject three lots have a combined area of approximately 5,529 square feet. The lot accommodates approximately twenty vehicles and serves as accessory parking for the office establishments located at 603-605 Pennsylvania Avenue, S.E.

6. The lot is open from 9:00 A.M. to 5:00 P.M. to correspond to the general working hours of the office tenants at 603-605 Pennsylvania Avenue, S.E. The said tenants have no right to use the lot under the terms of their leases. The applicant retains control of the lot and permits the tenants to use the lot.

7. The applicant controls the lot as to its operation and maintenance. He cleans it daily. He is the person who would receive any complaints.

8. It is the custom of the applicant to permit the neighborhood residents to use the lot at night and on weekends without charge. In the past the residents could use the lot during the day of there were spaces available. The latter policy proved troublesome since the lot got out of control and the tenants were losing their spaces. The tenants began closing the lot and some residents could not get their cars out.

9. The Department of Transportation, by memorandum dated August 31, 1982, reported that the subject parking lot was used for the office tenants located at 603-605 Pennsylvania Avenue, S.E. The lot was observed to be clean and in good physical condition. The DOT had no objection to the continuance of the lot. The Board concurs in the DOT recommendation.

10. The Capitol Hill Restoration Society, by letter dated November 17, 1982, reported that the Society voted to support the application for a specified period of three years. It further reported that this position assumes that present limitations on use of the lot to customers and tenants at the Pennsylvania Avenue premises noted will be continued and that the owner will continue to maintain the lot and landscaping in good order. The Society intended by proposing continued limitation of the time period, to ensure that this special exception receives frequent reappraisal. While no objections to the parking lot were heard from neighbors, the Society felt that the long-term special exception deserves some attention from the Board. The Board concurs.

11. A petition was submitted to the record containing some sixty signatures of area residents in favor of the application on the grounds that the subject parking lot relieves the parking congestion in the area of the 600 block of Pennsylvania Avenue, S.E.

12. There was one letter in opposition to the application on the grounds of noise emanating from the garbage collection from the dumpster before 6:30 A.M. and the existence of a dilapidated sign advertising a hardware business that is no longer a tenant in the properties at 603-605 Pennsylvania Avenue, S.E. The letter further

requested that the lot be available again to the residents at night and on weekends.

13. Advisory Neighborhood Commission 6B, by letter dated October 30, 1982, reported that it voted to support the application with the following conditions:

- a. Approval be for a period of two years.
- b. Parking be limited for tenants and customers only of 603 and 605 Pennsylvania Avenue, S.E.
- c. A waist high brick wall or hedgewall be placed between the sidewalk and the lot.
- d. An updating and restoration of the sign on the lot take place.
- e. The lot be maintained in a neat and orderly manner.

The ANC noted that this is the third time that this application has been before the Board and each time the ANC supported the parking lot. The ANC felt that the applicant has attempted to keep the lot clean and that the lot is reasonable necessary to the offices it proposes to serve.

14. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. The Board, in addressing these concerns as well as those of the opposition, finds that the dumpster is not located on the parking lot and that the applicant has entered into a new contract for waste disposal wherein no activity begins before 9:00 A.M. The hardware store sign has since been taken down. There is in existence a hedge between the sidewalk and the parking lot. The Board is aware that the parking lot has been in existence for many years and that at each renewal there appears to be little or no opposition. Accordingly, it is the Board's opinion that a grant of three years is more reasonable than a two year period. The Board is of the further opinion that the Order as hereinafter conditioned will meet the issues and concerns of the ANC and the residents.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use is reasonably necessary and convenient to the properties it serves, its use will not

create any dangerous, objectionable or adverse conditions, nor will the use affect adversely the present character and future development of the neighborhood.

The Board further concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS from the date of expiration of the prior order, namely from August 31, 1981.
2. Parking shall be limited to the tenants and customers of 603-605 Pennsylvania Ave., S.E., during hours of operation of the businesses at 603-605 Pennsylvania Ave., and shall be open for use by neighbors of the lot at other hours.
3. The sign located on the parking lot shall be updated and restored to reflect the above condition.
4. The applicant shall provide a waist high hedgewall between the parking lot and the sidewalk and maintain it in a healthy growing condition.
5. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
6. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
8. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
9. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise

permitted in the zoning district in which the parking lot is located.

10. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Carrie Thornhill, William F. McIntosh and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 11 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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